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# **Report and Recommendations**

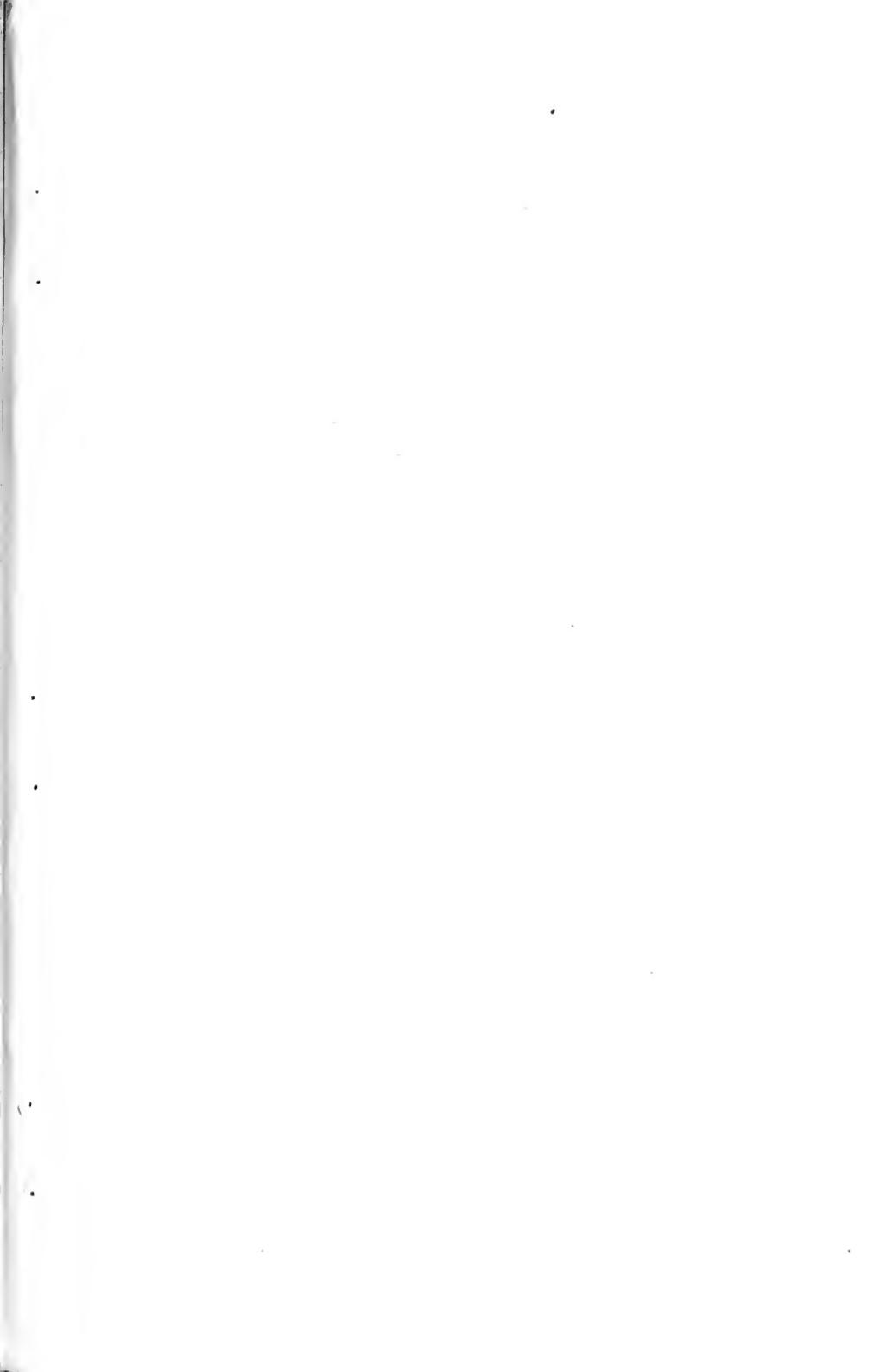
**of**

## **The Interim Elections Study Committee**



**1963 - 1965**





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E. C. ROWELL  
Speaker

ALLISON R. STRUCKLAND  
Speaker Pro Tempore



LAMAR BLEDSOE  
Chief Clerk

W. A. BALLENTINE  
Sergeant at Arms

## FLORIDA HOUSE OF REPRESENTATIVES TALLAHASSEE

April 8, 1965

GEORGE B. STALLINGS, JR.  
REPRESENTATIVE, DUVAL COUNTY  
409 LAW EXCHANGE BUILDING  
JACKSONVILLE 2, FLORIDA

The Members of the 1965 Legislature  
Capitol Building  
Tallahassee, Florida

Gentlemen:

In compliance with Chapter 63-59, Laws of Florida, I have the honor and pleasure to present herewith the Report and Recommendations of the Interim Elections Study Committee.

Respectfully submitted,

A handwritten signature in cursive ink that reads "George B. Stallings, Jr.". Below the signature, the name "George Stallings, Chairman" is printed in a smaller, sans-serif font.

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## CONTENTS

Bill Creating Interim Elections Study Committee	3 & 4
Committee Membership	5
Meetings and Public Hearings	6 & 7
Introduction	8 & 9
Chapter 97, Qualification and Registration of Electors	10-13
Chapter 98, Registration Office, Officers and Procedures	14-19
Chapter 99, Candidates, Campaign Expenses and Contesting Elections	20-26
Chapter 100, General, Primary, Special, Bond and Referendum Elections	27-28
Chapter 101, Voting; Ballots, Voting Machines; Absentee; Procedure	29-37
Chapter 102, Conducting Elections and Ascertaining Results	38-40
Chapter 103, Presidential Electors; Political Parties; Executive Committees	41-45
Chapter 104, Election Code; Violations; Penalties	46-50



**CHAPTER 63-59**  
**SENATE BILL NO. 327**

**AN ACT** relating to elections; creating a committee to make a comprehensive study of the election laws of the state of Florida; providing for reporting to the 1965 session of the legislature; providing an effective date.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. There is hereby created an interim elections study committee to be composed of eighteen (18) members as follows: (1) Five (5) members of the senate of the state of Florida to be selected by the president of the senate. (2) Five (5) members of the house of representatives of the state of Florida to be selected by the speaker of the house. (3) The chairman of the state executive committee of the two major political parties of the state. (4) The secretary of state of the state of Florida as the official charged with the administration of the election laws. (5) The president of the state association of county commissioners of Florida. (6) The President of the Florida state association of supervisors of registration. (7) The president of the state association of court clerks of Florida. (8) One (1) lay member designated by the Florida congressional delegation. (9) One (1) lay member designated and appointed by the governor of Florida.

Any vacancy occurring during the life of the committee shall be filled by the officer or officers making the original appointment.

Section 2. It shall be the duty and responsibility of the above created interim elections study committee to make a complete and comprehensive study of the Florida election laws and election code, and present, prior to March 1, 1965 its report and recommendations to the 1965 session of the Florida legislature for needed changes in the Florida election law.

Section 3. This interim elections study committee shall as soon as practicable after its appointment meet for the purpose of organizing. The committee shall elect from among its membership a chairman, a vice-chairman, and shall designate a secretary. The committee shall be authorized to conduct public hearings, subpoena witnesses and public records, and do any and all things necessary to carry out the purpose of this act.

Section 4. All professional, administrative and clerical work

## CHAPTER 63:59

and assistance needed by the committee shall be furnished by the office of secretary of state. Legal advice and assistance shall be furnished by the office of the attorney general as requested by the committee. Any expenses incurred in the operation of the committee or the conduct of its responsibilities shall be paid from the appropriation made to the office of secretary of state for general operation.

Section 5. This act shall become effective immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 15, 1963.

## INTERIM ELECTIONS STUDY COMMITTEE MEMBERSHIP

Hon. George B. Stallings, Jr. Representative, Duval County Chairman	Hon. Tom Fairfield Brown Chairman Rep. State Executive Com.
Hon. C. W. Young State Senator, Eleventh Dist. Vice-Chairman	Hon. Tom Adams Secretary of State
Hon. Elmer O. Friday, Jr. State Senator, Twenty-fourth Dist.	Hon. L. B. Levins County Commissioner Leon County
Hon. E. William Gautier State Senator, Twenty-eighth Dist.	Hon. Katherine S. Odham Supervisor of Registration Volusia County
Hon. Etter Usher State Senator, Twenty-first Dist.	Hon. John F. Nicholson Clerk of the Circuit Court Marion County
Hon. Robert Williams State Senator, Fourth Dist.	Hon. James A. Haley Seventh Florida Dist.
Hon. Richard J. Deeb*** Representative, Pinellas County	Hon. Jon Moyle West Palm Beach
Hon. Robert E. Knowles*** Representative, Manatee County	Hon. George Adams County Judge Orange County
Hon. Richard A. Pettigrew Representative, Dade County	Hon. Theron A. Yawn, Jr.** County Judge Bradford County
Hon. Allison R. Strickland Representative, Citrus County	Hon. Lake Lytal* County Commissioner Palm Beach County
Hon. Warren M. Goodrich Chairman State Dem. Executive Com.	

\* Succeeded Honorable N. B. Levins

\*\* Appointed to fill vacancy created by resignation of Honorable  
George Adams

\*\*\*Term expired November, 1964

**MEETINGS AND PUBLIC HEARINGS OF THE  
INTERIM ELECTION STUDY COMMITTEE**

Date	Meeting	Location
<b>1963</b>		
September 30	Organizational	Tallahassee
October 31	Exec. Committee	St. Petersburg
December 16	Public Hearing	Jacksonville
<b>1964</b>		
January 13	Public Hearing	Clearwater
January 14	Public Hearing	Tampa
January 20	Public Hearing	Dade City
January 22	Public Hearing	Lakeland
January 28	Public Hearing	Stuart
February 3	Public Hearing	Fort Pierce
February 8	Public Hearing	Miami
February 11	Public Hearing	West Palm Beach
February 20	Public Hearing	St. Petersburg
March 6	Public Hearing	Orlando
March 17	Public Hearing	Fort Lauderdale
March 17	Public Hearing	Naples
March 17	Public Hearing	LaBelle
March 17	Public Hearing	Punta Gorda
March 18	Public Hearing	Fort Myers
March 20	Public Hearing	Titusville
March 27	Public Hearing	Sarasota
April 3	Public Hearing	Ocala
April 21	Public Hearing	Pensacola
April 21	Public Hearing	Panama City
April 28	Public Hearing	Marianna
April 29	Public Hearing	Tallahassee
May 12	Public Hearing	DeLand
August 13	Full Committee	Tallahassee
August 13	Exec. Committee	Tallahassee
September 11	Subcommittee	West Palm Beach
September 12	Subcommittee	West Palm Beach
September 25	Subcommittee	Tallahassee
October 9	Subcommittee	Captiva Island

October 10	Subcommittee	Captiva Island
October 14	Subcommittee	Jacksonville
October 15	Subcommittee	Jacksonville
November 10	Subcommittee	Tallahassee
November 13	Full Committee	Tallahassee
December 3	Public Hearing	Miami
December 4	Subcommittee	Miami
December 9	Full Committee	Tallahassee
December 10	Full Committee	Tallahassee
December 30	Subcommittee	Miami

#### 1965

January 13	Subcommittee	Sarasota
January 14	Full Committee	Sarasota
February 6	Full Committee	Tampa
February 7	Full Committee	Tampa
February 13	Full Committee	Jacksonville
February 14	Full Committee Exec. Committee	Jacksonville Tallahassee

## INTRODUCTION

Streamlining and updating of our election code constitutes one of the most urgent legislative needs in Florida today. It is a challenge the 1965 Legislature must meet squarely if future elections in Florida are to be conducted in a fair, efficient and orderly manner, and, equally important, if the people of this state are to retain a high degree of confidence in their election process.

This is the unanimous conclusion of the Interim Legislative Elections Study Committee after two years of diligent and intensive study into the election law and its administration.

The weaknesses, inconsistencies and ambiguities in Florida's election laws were never so apparent as in the primary and general elections of 1964. It was a year of "cliffhanger" elections, of demands for recounting of the ballots, of grand jury investigations and indictments, of ballot problems and frequent voting machine breakdowns, of block-long voting lines and an unprecedented avalanche of challenges of voters by poll watchers. In fact, never in the recent history of this state has there been such a profusion of problems within the voting process.

While it did not take a legislative study to observe these shortcomings, the fact that they occurred during the committee's detailed analysis of the election code gave it a very unique opportunity to study firsthand the many problems encountered.

This report contains in summary form comprehensive recommendations for improving Florida's election code. The committee would like to emphasize that much thought and careful study has gone into the preparation of these recommendations.

Public hearings were held in every major geographic region of the state in an effort to give the general public, as well as government officials at all levels, the fullest opportunity to make complaints about or suggest changes in our election code. In addition to these hearings, the committee held numerous full or subcommittee meetings to draft its recommendations to the 1965 Legislature.

As a result, we feel that our program is one of the most comprehensive and far-reaching ever proposed in the field of elections in this state.

Many of the proposed modifications are minor in nature, involving a rearrangement of existing sections for greater clarity. However, there are a number of substantive changes as well. We humbly submit that adoption of these recommendations is vital if we are to achieve our goal of truly fair and orderly elections in Florida.

This committee owes a deep debt of gratitude to many people throughout the state who assisted greatly in developing these recommendations. The committee is deeply grateful to the Honorable Tom Adams, Secretary of State, for his invaluable advice and assistance throughout the past two years. Secretary Adams financed the operations of this committee and provided staff assistance in the laborious task of drafting the legislative package.

In conclusion, the committee would again like to emphasize to the members of the 1965 Legislature the tremendous importance which we attach to election reform in Florida. The committee urges your support of this program.

This report contains a resume of the existing statutes and a brief synopsis of each proposed amendment. Thus you will be able to tell at a glance the implication and effect of each recommendation.

# SUMMARY of RECOMMENDATIONS

## Chapter 97, Florida Statutes QUALIFICATION AND REGISTRATION OF ELECTORS

### SYNOPSIS OF EXISTING LAWS

#### 97.011

Short title of act "The Election Code of 1951."

#### 97.021

Definitions of words and phrases used in the code.

#### 97.031

Requires registration as a prerequisite to voting.

#### 97.041

Sets forth qualifications to register. Allows persons to register 30 days before 21st birthday. Also requires naturalized citizens to present certificate of naturalization or certified copy thereof.

### SYNOPSIS OF PROPOSED AMENDMENTS

Amends this section to read "The Florida Election Code."

Amends this section to include many other definitions used in the election code.

Makes provision to allow voting by those people who do not meet the state residence requirements for registration but are registered in the state from which they have moved; elector to cancel prior registration in the state where previously registered. The elector will then vote a special ballot in the office of the supervisor which will be handled as an absentee ballot.

Allows persons who will become 21 years of age between the date the books close and the date of the election to register "60 days" prior to the closing of the books instead of the present "30 days" prior. This would give many college students an opportunity to register prior to leaving home for college.

Further makes provision for persons whose residence will be completed after books are closed but before primary or general election to register, similar to 60 day period proposed for prior registration by 21 year olds.

Also requires that "evidence of naturalization satisfactory to the supervisor of elections" be furnished.

97.041(3)

Provides that "persons insane or idiotic" shall not be permitted to vote.

Amends this subsection to read "persons adjudicated mentally incompetent in this or any other state and who have not had their competency lawfully restored pursuant to law," shall not be entitled to vote.

97.041(5)

Prohibits a person convicted of bribery, perjury, larceny, or infamous crimes from registering to vote.

Constitutional amendment to article VI, section 5 of the Constitution proposes to use only the word "felonies" without classifying any specific felonies.

97.041(6)

Provides "persons not registered in the precinct in which they have their permanent place of residence" shall not be permitted to vote.

Repeals this subsection. Provision made in 97.091 for elector to return to his old precinct and vote in the next election.

97.061

Provides for the issuance of a special registration certificate to physically infirmed elector requiring assistance.

Amends this section to provide for issuance of a special registration "identification card," instead of registration "certificate." Further amends to allow assistance at the polls for illiterates under the controls set forth in section 101.051 as amended.

97.063

Entitles members of the armed forces to register absentee.

Combines section 101.693 and section 101.694(5) with section 97.063 to place all provisions covering armed forces absentee procedures together.

97.064

No Present Section

Provisions of section 97.121 have been encompassed in section 97.064.

97.065

No Present Section

Provisions of section 101.695 have been transferred and renumbered as section 97.065.

97.071

Provides for the issuance of registration certificate to each elector upon registering.

Registration certificate has been changed to registration identification card and sample form deleted.

97.072

No Present Section

Section 97.101 has been amended, transferred, and renumbered as section 97.072.

97.081

Provides for the registration and re-registration of freeholders. Books to be open at least 30 days and close 14 days prior to any bond election.

Deletes all reference to reregistration of freeholders. Provides further that the books shall be open at least 30 days and shall close 30 days prior to any bond election.

97.091

Provided that elector must be registered in precinct in which he has his permanent place of residence.

Allows personnel listed in section 101.69 (federal employees and military personnel) to register in courthouse precinct where it is their intent to remain residents of the State of Florida and the county in which they are registered.

97.101

Provides for replacement of registration certificate when defaced or lost.

Transferred and renumbered as section 97.072. Amends to read "registration identification card" instead of "registration certificate."

97.102

No Present Section

Provides that where an elector moves his permanent place of residence to another county, he may vote absentee in the county of his former residence until he has met the six (6) months residency requirement in the county to which he has moved, after which he must cancel his former registration and register in the new county.

97.103

No Present Section

Provisions of 98.071 have been transferred and renumbered as 97.103.

97.121

Provides that a person serving in the military service of the United States when a reregistration of electors takes place shall be exempt from any general or local law requiring reregistration as a prerequisite to vote, provided he was registered prior to the reregistration.

Section 97.121(1) is repealed since it has been covered by section 97.064. Section 97.121(2) has been transferred and renumbered as section 97.064.

97.131

Registration of federal employees and military personnel absent from the state.

Has been amended, transferred, and renumbered as section 97.064. Provides the form relating to renewal of

registration and amends language to harmonize with the present permanent registration system. Also provides that a change of address within the county shall not prevent an elector from participating in any election, for which he is otherwise qualified, prior to the next succeeding general election. The elector would be allowed to return to his old precinct and vote, but, after one general election had passed, to be entitled to vote in any future elections he shall notify his supervisor and be transferred to the precinct in which he presently has his permanent place of residence.

# SUMMARY of RECOMMENDATIONS

## Chapter 98, Florida Statutes REGISTRATION OFFICE, OFFICERS AND PROCEDURES

### SYNOPSIS OF EXISTING LAWS

### SYNOPSIS OF PROPOSED AMENDMENTS

#### 98.011

Provides for the opening of books under the old registration system.

Repeals entire section as being in conflict with the permanent registration system.

#### 98.021

Provides for the opening of books in the precincts during the month of January in even numbered years.

Repeals entire section. Provision has been made in amending Section 98.051 relating to the office hours of the supervisors' office and all branches. Precinct registration is eliminated but provisions have been made for taking registrations in branch offices.

#### 98.051

Provides for the opening of registration books in the main and branch offices; for night registration; for special office hours offirst year under permanent system; closing of books 30 days prior to election; for authorization to maintain more limited office hours; for notice of hours of office.

Deletes entire existing subsection 2 as distinction no longer need be made between old system and present permanent system of registration.

Amends to provide for acceptance of registration at permanent branch offices eliminating precinct registrations. Further provides that offices "may" be open one (1) night each week in the 60-30 day period prior to the first primary and may be open two (2) nights each week during the 30 day period prior to the closing of the books for the first primary instead of "shall."

Provides further a method for computing the period of 30 day closing prior to election. Makes provision for closing books for special district and municipal elections without effecting the registering of electors for the primary or general election.

Provides further that the county commissioners may authorize supervisor to keep office open for less time but in no case less than one day each week. Further provides for public notice on which days books will be open if limited by the county commissioners.

98.061

Provides for registration certificates, certificates of transfer and any re-registration required.

98.071

Provides for recording changes of registration with reference to name.

98.091

Provides for use of permanent system of registration by municipalities of 1500 population or more in counties where permanent system of registration is used.

98.101

Provides specifications for permanent registration, binders, files and forms.

98.111

Sets forth information to be included on registration form.

This section is repealed. Registration identification card is covered in 97.071 as amended. Moving and voting in old precinct is covered in 97.091 as as amended.

Transferred and renumbered as 97.103.

Allows all cities or municipalities to use the permanent registration system with concurrence of county commissioners and supervisor of elections regardless of population.

Makes provision that any county may, as an alternate method, use electronic data processing equipment to fulfill the requirements of this chapter.

Adds provision presently found in Section 98.361(2) providing that all binders, files, other materials, and equipment shall be furnished by the board of county commissioners and a portion of the cost of such binders, files, materials and equipment shall be borne by the municipality when a municipality elects to use the system.

The following changes are set forth in the amendment:

(8) Delete provision for age. Since birth date is required this is not needed.

(11) "proof satisfactory to supervisor," has been added.

(12) Post Office address changed to "residence and mailing address at time of registering."

(14) Repealed as being superfluous.

For continuity the subsections have been renumbered.

98.121

Provides for preservation of registration forms of registrants removed from books.

That when the names of registrants are removed from books, only the original registration form shall be filed alphabetically in the office of the supervisor. This eliminates "copies" having to be filed which has caused some space problems.

98.161

Provides for the tenure of supervisor of registration, election and compensation.

This section has been broadened to include the custody of registration books, their delivery to successor, and the supervisor's official seal.

Where the words "supervisor of registration" are found, they have been changed to "supervisor of elections."

The \$100 per annum minimum salary has been deleted as being unrealistic and simply stated therein that "The supervisor's compensation shall be paid by the board of county commissioners."

It has been added from Section 98.201 and 98.261, that the supervisor upon removal of office, shall immediately deliver all books, papers, and blanks to his successor.

It has further been added, from Section 98.341, the authority for the supervisor to obtain an official impression seal and amended to make the use of the seal discretionary and specifically exempt its mandatory use on registration certificates.

98.171

Provides for precinct registration under old system.

Repeals this section as being in conflict with the permanent registration system.

98.181

Provides for supervisor to make up registration books from precinct registrations and certify as official.

Repeals subsections (1) and (2) as being in conflict with permanent registration system.

Subsection (3) renumbered as subsection (1).

98.191

Provides for supervisor to make up new books under old registration system.

Repeals as being in conflict with permanent registration system.

98.201

Provides for the supervisor to be official custodian of the books and further provides for removal of names from books.

The first sentence has been added to Section 99.161 which states that the supervisor is the custodian of the registration books. The title has been changed to "Removal of names" since the remainder of this section deals solely with this subject.

98.211

Provides for the county registers to be open to public inspection and limits information the supervisor may furnish in writing.

Part of the last sentence of the paragraph has been deleted which limits' the information from the registration books a supervisor may furnish in writing. This will allow a supervisor to certify certain information for establishing age for Social Security retirement.

98.241

Provides for furnishing inspectors of elections with registration books.

This entire section is repealed with the following sentence added to Section 102.012: "The supervisor shall furnish inspectors of elections with one of the registration books for each precinct divided alphabetically as will best facilitate the holding of an election."

98.251

Provides for secretary of state to furnish blanks, forms and election laws to supervisors.

This section amended to read the same as 104.46. As amended this deletes the provision for the secretary of state to furnish blanks and forms to supervisors under the old registration system. The provision for the supervisor to furnish the inspectors of election at the polling place certain forms has been added to Section 102.012(6).

98.261

Provides for delivering of books to supervisor's successor.

This section to be combined with 98.161 dealing with election, tenure of office and compensation.

98.271

Provides for appointment of deputy supervisors and precinct officers.

Deletes the part dealing with precinct registration since it is recommended that this practice not be continued. As amended this section will provide that each deputy supervisor shall make an oath in writing that he will faithfully perform the duties of his office, which oath will be acknowledged by the supervisor and filed with the clerk of the circuit court.

98.281

Provides for the appointment of deputy supervisors and for accepting registration in settled areas.

Repeals entire section. It is recommended that registration in settled areas or precinct registration not be continued.

98.291

Provides for restoring names to registration books that have been "wrongfully or erroneously erased."

Amended to read "When the name of any elector has been erroneously or illegally removed." Also gives supervisors full authority for restoring such names.

98.311

Provides for the county judge to furnish the supervisor with a list of mentally incompetent persons so adjudged during the preceding calendar month.

Amended to change the word "color" to "race" in the list of information the county judge is required to furnish the supervisor of mentally incompetent persons so adjudged during the preceding calendar month.

98.312

Provides for the clerk of the criminal and circuit courts to furnish at least once each month a list of those persons convicted of felonies during the preceding calendar month.

Amends to change the word "color" to "race" and deletes the last paragraph which has been added to 98.313, a new section.

98.313

No Present Section

This new section gives the supervisor specific authority to remove the names of persons judged mentally incompetent and convicted felons from the registration books.

98.341

Provides for the official seal of the supervisor.

Repeals Section 98.341 but amends and transfers subsection 3 to Section 98.161 to read as follows: "The supervisor is empowered to attach an impression of his seal upon official documents and certificates executed over

his signature and further said seal  
need not be attached to registration  
certificates."

98.351

Provides for the form of registration  
books under the old system.

Repeals entire section as being in  
conflict with provisions of the per-  
manent registration system.

98.361

Provides for registration books, forms  
and certificates to be furnished by the  
secretary of state under old registra-  
tion system.

Repeals 98.361(1) as being in conflict  
with permanent single registration sys-  
tem. Provisions of 98.361(2) which  
deal with binders, files, etc., to be  
furnished by the county commissioners  
have been added to existing Section  
98.101.

# SUMMARY of RECOMMENDATIONS

## Chapter 99, Florida Statutes CANDIDATES, CAMPAIGN EXPENSES AND CONTESTING ELECTIONS

### SYNOPSIS OF EXISTING LAWS

### SYNOPSIS OF PROPOSED AMENDMENTS

#### 99.011

Sets forth definition of a candidate as one who has announced his candidacy.

Amends this section to define the word "candidate" as "any person who has filed his qualification papers and paid the qualifying fee as required by law." The person at the time of qualifying would be required to file a statement listing expenses and contributions made prior to his qualifying. The things for which a candidate cannot spend money prior to qualifying are set forth in section 99.161.

#### 99.012

Prohibits qualifying for two offices as a candidate in the same primary or general election.

Provides that no individual may qualify as a candidate for public office whose name appears on the same or another ballot for another office which may run concurrent to the office for which he seeks to qualify. Further, that this does not apply to party offices.

#### 99.021(1)(b)

Requires that a candidate for nomination attest to oath that he voted for 90% of the opposed nominees of his party at the last general election.

Amends this subsection paragraph to provide that the candidate pledges not to oppose by overt action any of the opposed nominees of his political party at the next succeeding general election and during his term in office; that this shall also apply to political party executive committee members. Further provides that the candidate voted for ninety per cent (90%) of the opposed nominees of his party or not more than one member of another party if there were less than ten (10) opposed nominees.

#### 99.021(1)(j)

Sets forth the oath of candidate

Amends the oath of candidate to provide that a candidate pledges not to oppose by overt action any of the opposed nominees of his political party for any office or overtly support the candidacy of any opposed member of another party. Further amends to pro-

99.021(1)(k)

No paragraph at present

99.031

Provides for the payment of a qualifying fee by a candidate for nomination.

99.041

Provides for candidates who have qualified to have their names printed on the official ballot.

99.051

Provides for nominated names to appear in groups on ballot.

99.061(4)

Requires the secretary of state to certify the names of all duly qualified candidates for nomination for state senator or representative to the clerk of the circuit court.

99.131

Provides for the space for write-in candidate on official ballot.

**CORRECTED**

99.023

(No Present Section)\*

\*See page 50 for synopsis of this amendment.

vide that the candidate voted for ninety percent (90%) of the opposed nominees of said party, or not more than one member of another party if there were less than ten (10) opposed nominees.

Adds a provision for filing the sworn statement for any expenditures made prior to qualifying.

Amends to provide that a candidate may receive a refund of his qualifying fee provided he makes application for it before the last date for candidates to qualify. Transferred and renumbered as 99.100.

Moves this provision to section 101.252 dealing with ballots.

Moves this provision to section 101.254 dealing with ballots.

Amends this subsection to require that the secretary of state shall certify to the clerk of the circuit court the names of all duly qualified candidates for nomination who are required by law to qualify with the secretary of state.

Amended, transferred, and renumbered as Section 99.023 making a new section.

As amended it provides that no write-in votes for any person shall be counted unless the person for whom the vote was cast shall have not less than 30 days prior to the general election, certified under oath to the secretary of state the following information:

1. his name, 2. his address, 3. that he passes all qualifications required by law for the office, 4. name of the office he seeks, 5. that he will accept the office. At such time he shall be

99.141

Provides when names of qualified candidates shall not be printed on the ballot. If a candidate wishes his name not be printed on the ballot, he must request in writing to the county commissioners in a single county race, or the secretary of state in a multi-county race, not less than 30 days before the election. Such request shall be honored.

99.151(2)

Provides that the clerk of the circuit court shall submit to the secretary of state a list of all persons seeking nomination to county office.

99.161(1)(b)

Provides that no person holding a license for the sale of intoxicating beverages shall contribute to the campaign fund of any political candidate.

99.161(2)(a)

Places a thousand dollars (\$1,000.00) limitation on political contributions.

considered a candidate. The secretary of state then shall not less than 20 days before said election certify the names of such candidates to the board of county commissioners of every county affected by such candidacy.

Amended, transferred and renumbered as Section 101.253.

Amends to provide that the secretary of state shall have the discretion where the ballots are not already printed to allow a person to withdraw after the 30 days period now provided.

Transferred to Section 99.100(2).

Amends this subsection so that members of social, fraternal, or cultural organizations holding liquor licenses would not be prohibited from making contributions for political campaigns.

Amends this subsection to provide that the maximum contributions for a countywide race shall be \$1,000.00, for a multi-county race \$2,500.00, for a congressional race \$5,000.00 and for a statewide race \$5,000.00. This subsection is to also provide that a candidate can put into his own race ten times more than any other person can contribute, and that a person who contributes \$100.00 or more to a candidate will be required to make an affidavit to accompany the contribution that the contribution was made from his personal funds and that it had not been received from any other person for the purpose of making the contribution.

**99.161(2)(d)**

**Provides that no candidate shall make any expenditures for campaign purposes prior to noon on the first filing date except personal travel and incidental expenses which shall be reported from the date of his public announcement of his candidacy.**

Amends this subsection to provide that no person, committee, political party, organization or person acting on behalf of another shall prior to his becoming a candidate spend money for the following purposes promoting his campaign: (1) newspaper advertisements, (2) advertisements on television, (3) advertisements in magazines or other periodicals, (4) advertisements on billboards, on banners and streamers, (5) advertising on campaign literature and any other printing except stationery, (6) renting of hall in which to address the electors and (7) radio time. Further provides that no person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or another's candidacy.

**99.161(5)**

**Provides for the deposit of campaign contributions and the statement of the campaign treasurer showing the names and addresses of the persons contributing the funds.**

Requires that the detailed statement which is filed with the secretary of state, campaign treasurer and one copy retained by the campaign depository contain the name, residence and mailing address of the contributor.

**99.161(8)(a)**

**Provides for the reporting of campaign contributions and expenditures, such report among other things to include the contributor's name and address.**

Amends this subsection to conform with subsection 99.161(5) requiring that the contributor's name, residence and mailing address be included.

**99.161(a)(3)**

**Provides for a reporting of funds to be made fifteen (15) days after each primary or election in which any candidates participate.**

Amends 99.161(8)(a)(3) to provide that the after election statements shall be filed forty-five (45) days after the election instead of fifteen (15) days.

**99.161(8)(a)(4)**

**No Present Paragraph**

Additional paragraph numbered 99.161(8)(a)(4) to read that, "with the exception of the final report to be filed after the second primary, no further reports need be filed by a successful primary candidate until the

nominees of each party receive his certificate of nomination from the secretary of state; which certificate shall be sent to the candidate not later than September 1. The first (1st) report due to be filed after the receipt of the certificate of nomination shall contain a complete list of contributions and expenditures since the filing of the last report."

99.161(8)(d)

This section requires that all reports shall be filed by the candidate with the official before whom the candidate is required to qualify not later than noon of the day designated.

99.161(9)(a)

Requires monthly reporting of all contributions to state and county executive committees on the first Monday of each month.

99.161(9)(d)

Provides for the reports of the state and county executive committees and the certification and filing of said reports. These reports deal with money and other things of value contributed to the committees.

99.161(15)

No Present Section

Amends this subsection paragraph to provide that any such report which shall be determined by the officer, before whom the candidate is required to file, to be incomplete shall be returned unfiled to the candidate submitting the report, specifying the manner in which the report is incomplete.

Amends to provide for a final report forty-five (45) days after the general election.

Provides that (1) a party executive committee shall be restricted as to the amount it can put into a campaign fund of any candidate, (2) the maximum contribution limit applies to party contributions as well as individual candidates, however it does not apply to fund raising dinners.

Adds a new subsection to provide that "Any person, group, or committee, whose acts are not otherwise covered by Florida Law, receiving or spending any monies or things of value in behalf of any county, district, state, federal offices, or on behalf of a political party shall file accurate and complete report of same with the secretary of state with a copy to all candidates in whose behalf the action was taken and to the chairman of the state committee of the party with whom the can-

dicate is affiliated, within 45 days after the election."

99.172

Provides certain things for which expenditures may be made in furtherance of candidacy at any election.

Amends to remove all permissive things for which a candidate may spend money and list only those things for which a candidate shall not spend money. No candidate or anyone speaking for or in his behalf shall pay money or give anything of value for such privilege.

Further provides that "The buying of votes is prohibited and anyone who directly or indirectly pays, or promises to pay or give any money or thing of value to any elector in exchange for his vote, shall, upon conviction, be guilty of a felony; provided however, this shall not apply to the serving of food to be consumed at a political rally or meeting."

99.192

Provides for the contesting of elections.

Section 99.192 has been amended, transferred and renumbered as Section 102.161.

This section clarified to determine from what time the period for contesting elections should begin. Instead of 10 days after the canvass by the canvassing board, this has been lengthened to 15 days and begins with midnight of the election day.

99.202

Provides venue for nomination or election contest or on a referendum result to be in the county in which the contestant qualified or in the county in which the question was submitted for referendum or if the election or referendum covered more than one county then in Leon County.

Section 99.202 has been transferred and renumbered as Section 102.162.

99.211

Provides for decree of ouster, revocation of commission, and voiding an election if a judgment is entered setting aside a referendum.

Section 99.211 has been transferred and renumbered as Section 102.163.

99.221

Provides that nothing in the election code shall be construed to abrogate or abridge any remedy that may now exist by quo warranto, but in such case the proceeding in chancery is taken to be an alternative or cumulative remedy.

Section 99.221 has been transferred and renumbered as Section 102.164.

# SUMMARY of RECOMMENDATIONS

## Chapter 100, Florida Statutes

### GENERAL, PRIMARY, SPECIAL, BOND AND REFERENDUM ELECTIONS

#### SYNOPSIS OF EXISTING LAWS

##### 100.011

Provides that polls open at 7:00 a.m. and close at 7:00 p.m.

#### SYNOPSIS OF PROPOSED AMENDMENTS

Provides that polls will open at 6:00 a.m. and close at 8:00 p.m., provided, however, that upon the recommendation of the supervisor and approval of the county commissioners the polls may open earlier not to exceed one hour earlier than 6:00 a.m. Further, that anyone in line at the time the polls close shall be permitted to vote; spelling out how to determine who is the last person in line, by having a poll worker step at end of line at time polls are to close.

##### 100.091(3)

Provides that the candidate who shall receive the highest number of votes cast for the office in the second primary election shall be declared nominated.

Amends to provide that in case of a tie in the second primary such persons shall draw lots to determine who shall receive the nomination. Subsection 100.091(2) provides for a tie in the first primary.

##### 100.111(6)

Provides that a special election is called by the governor, and that he may fix the date of the primary election and if necessary, a second primary. This section further provides that if a vacancy occurs between the last date of filing for a special or local primary, or between the date of the second primary and the general election, leaving no candidate for nomination, the political party to which the deceased or incapacitated candidate was a member shall appoint a successor nominee.

Spells out in specific terms that the governor shall call a special primary election if a vacancy shall occur after the last date for qualifying for nomination and that the special election shall be called no later than September 15. Further provides that if the vacancy and nomination occur after September 15, then the vacancy shall be filled by the party, state or county executive committee as provided by law at the present time. Also provides and spells out in clear terms the process for advertising a special primary election after said election has been called.

##### 100.171

Makes provision for holding a meeting to appoint "managers" of voting precincts, and do other things necessary

Changes the word "managers" to "inspectors." Also amends this section to conform with 102.012 which pro-

to conduct an election.

vides that the supervisor shall appoint the inspectors and clerks for conducting an election.

100.201

Provides that bonds shall be issued only after they have been approved by the majority of votes cast in an election in which a majority of freeholders participated.

Amends this section to provide that such bonds be approved only upon approval by a majority of the freeholders on the books when they are regularly closed for the election. Further provides that there shall be no special reregistration of freeholders.

100.231

Provides for closing of books not later than fourteen (14) days prior to holding of bond elections.

Repeals this section. Amendment to Section 97.081(5) requires the books to close thirty (30) days prior to holding of bond election.

100.241

Sets forth freeholder requirements. Makes provision for cooperative apartments but not for condominiums.

Makes provision for condominium apartments to have freeholder status. The attorney general has ruled in opinion no. 064-20 that they do have freeholder status.

# **SUMMARY of RECOMMENDATIONS**

## **Chapter 101, Florida Statutes**

### **VOTING; BALLOTS, VOTING MACHINES; ABSENTEE; PROCEDURE**

#### **SYNOPSIS OF EXISTING LAWS**

##### **101.051**

Provides for the examination by the election board of physically impaired electors who seek aid in casting their ballot but do not have their special registration with them at the time of voting. This section applies only to paper ballots.

##### **101.061**

Provides that a disabled elector may seek the assistance of certain persons in marking his ballot where he is physically unable to cast his own ballot.

##### **101.071**

Provides that an elector shall occupy the voting booth alone except as set forth in Section 101.051 and Section 101.061. Also sets time limit allowed an elector in voting booth.

##### **101.111**

Provides for the challenging of electors and for the execution of the oath of challenged elector. Further provides that a challenge shall be communicated to the inspectors by the sheriff or other officer or person in charge of admission to the polling place.

#### **SYNOPSIS OF PROPOSED AMENDMENTS**

Amends to provide assistance at the polls for illiterates. Further provides for special registration identification cards to be issued to electors who cannot cast their vote without assistance. Sections 101.061, 101.48, and 101.52 have been combined in this section since all deal with assistance in voting.

Section 101.061 has been combined with Section 101.051.

Combines Section 101.071 with Section 101.51. Both sections are virtually identical and both deal with voter occupying booth alone, time allowed, etc.

Adds a sentence at the end of the oath of challenged elector which states that "and I am not registered to vote in any other precinct other than the one in which I am presently seeking to vote." This section is further amended to provide that a challenge shall be made by a "duly authorized poll watcher in writing." Amended further to provide that the watcher shall execute an oath when challenged, stating reason for challenge, and that the clerk shall transmit the challenge to the voter.

##### **101.121**

Sets forth the persons allowed in the polling place. No sheriff, deputy sheriff, or city policeman can enter, except to cast his ballot, without a

Deletes from the last sentence the words, "a majority of the inspectors" and amends this sentence to read, "no sheriff, deputy sheriff or city

majority vote of the inspectors.

policeman shall enter the polling place without permission from the clerk or a majority of the inspectors to cast his ballot."

#### 101.131

Provides for poll watchers, their appointment, credentials, and behavior in the polling place.

Amends to combine Section 101.53 with this section and shortens time of poll watchers in written notice to the supervisor from 14 days prior to any primary or election to 5 days prior. Supervisor to furnish list of official poll watchers to each precinct and each watcher must be a qualified and registered voter of the county in which they are to serve.

#### 101.141(4)

This section presently provides for the listing of the order of offices; to wit: Congressional, Judicial, State, Legislative, and County.

Amends to provide after the word "Judicial" the offices be listed in the following order:

Justices of the supreme court, justices of the district courts of appeal, circuit judges, and other state judicial officers involved in the primary election.

(This will put the justices of the district court in the proper order of importance.)

The listing of "State" officials is amended by adding "Public Defender" after "State Attorney."

(This office is not presently listed under state offices.)

Following the heading "County" the officers are listed in the following revised order:

County judge, criminal court of record judge, civil court of record judge, juvenile judge, and small claims court judge. Thereafter, place clerk of the circuit court, sheriff, tax assessor, tax collector, superintendent of public instruction, supervisor of registration, county solicitor, and clerks of the county courts in order of listing of the

courts. Thereafter, follows: county commissioners, school board, justice of the peace and constables.

(This will put county offices in same categorical order as state offices.)

#### 101.141(6)

Provides for directions by the secretary of state if statutory instructions be insufficient.

Amends to provide that the secretary of state shall approve all ballots before they become official.

#### 101.151(3)

This section presently provides for the listing of the order of offices; to wit: Congressional, Judicial, State, Legislative, and County.

Adopts same order as proposed law for 101.141.

#### 101.151(7)

Provides for directions by the secretary of state if statutory directions are insufficient.

Amends to provide that the secretary of state shall approve all ballots before they become official.

#### 101.20

This section deals with the publication of the form of the paper ballot to be used in the election.

Amends to consolidate Section 101.20 and Section 101.41

Subsection 101.41(1) becomes the new subsection 101.20(1).

Section 101.41 provides for the publication of sample ballots where machine voting is used.

Subsection 101.41(2) and Section 101.20 are virtually identical. These two sections are combined as 101.20(2).

Subsection 101.41(1) becomes the new subsection 101.20(1).

#### 101.21

Provides for the printing of a given number of ballots and in addition thereto for the payment of the ballots.

Amends to consolidate subsection 101.41(1) with this section. Both deal with number of ballots and printing thereof. These two sections are consolidated under the heading, official ballots; number; printing; payment for ballots.

101.23

Provides that when a person has voted his name shall be checked on the margin of the page opposite his name. It requires in addition, that inspectors keep a poll list containing the names of electors who have voted.

Amends to clarify that a poll list shall be kept for all elections whether held with paper ballots or voting machines.

101.24

This section concerns ballot boxes, their placing at the polls, and provisions for locking and sealing the ballot boxes.

Amends this section to provide that the ballot boxes shall be "securely sealed" leaving out any reference to keyhole and keys. This will allow the use of paper ballot boxes. (Intended for counties with machines where the ballot is so lengthy that some paper ballots must be used.)

101.27

Defines the voting machine and how the ballots shall be placed upon the machine. In addition thereto, it describes what wording shall be used when electors are voting for any question or proposition. The law presently requires the word "yes" when voting for the proposition and the word "no" when voting against the proposition.

Amends to provide that where an elector is to vote on a proposed constitutional amendment or other question or proposition, the words "for" or "against" shall be used on the ballot to indicate the voters and choice. Subsections 101.41(2) and (3) which set forth the form for voting machine ballots have been incorporated into this section.

101.28

Sets forth mechanical requirements for voting machines.

Amends to make it permissive for counties to use machines with a device or devices which shall print a copy or copies of the count shown on the candidate and question counters as registered both before the polls open and after the polls close.

101.33

Provides that there shall be one voting machine for each six hundred (600) registered electors or fraction thereof.

Amends to require that a voting machine be supplied for each three hundred fifty (350) electors which, in the opinion of the supervisor of registration, is expected to vote. The supervisor of registration shall file her estimate with the board of county commissioners at least ninety (90) days before an election and it shall be mandatory for them to furnish machines required. Provision will also be made

that if the length of the ballot is such that two (2) or more machines are required to be used that they shall be deemed one machine for the purpose of computing the number of machines.

101.34

This section provides that the supervisor shall be the custodian of voting machines and for the appointment of deputies to supervise the machines prior to and during elections. Further provides that voting machine deputies shall be paid the same as clerks and inspectors of elections and they shall be paid by the board of county commissioners.

101.35

Provides for inspection of voting machines by certain persons before being sealed for the election.

Deletes the words, "the same as clerks and inspectors of elections and they shall be." This will allow a higher rate of pay for deputies to supervise voting machines.

101.38

Provides for the disposition of voting machine keys and the boxing and storing of voting machines.

Deletes the words "boxed and" which will as amended not require the machines to be "boxed" before storing.

101.41

Provides for a sample ballot and its publication.

Subsection 101.41(1) has been moved to subsection 101.21(1) which is now entitled, official ballots; number; printing; payment for ballots. Subsection 101.41(2) has been moved to subsection 101.20(2) which is entitled, publication of ballot form; sample ballots.

101.42

Provides for the number of ballots, the size of ballots, printing of ballots, the use of paper ballots where the ballot is longer than the voting machine can accommodate, and the approval of ballots by the board of county commissioners.

Subsection 101.42(1) has been moved to subsection 101.21(2). Subsection 101.42(2) has been moved to subsections 101.27(1) and (2). Subsection 101.42(3) has been moved to subsection 101.27(5).

101.45

Provides for the opening of the polls and the presence of the election board at the polls one-half an hour before polls open.

Amends to change the time for election boards to attend polling place from one-half hour to one hour before polls open.

101.47(3)

This section provides for the sealing of containers which hold identification slips.

The word "lid" is replaced with the word "top." This will allow the use of paper containers instead of continuing to create some ambiguity as to the containers used, and as to the form the container should be in. For a more logical sequence, Section 101.50 has been incorporated into this section by adding a new subsection (14).

101.48

Provides for the examination by the election board of physically impaired electors who seek aid in casting their ballot but do not have their special registration with them at the time of voting. This section applies only to voting machines.

Amends to combine with Section 101.051.

101.50

Provides that the election officers shall preserve signature identification slips and affidavits executed by electors when voting.

Section 101.50 is moved and renumbered as subsection 101.47(14), which is entitled, Requirements before elector enters voting machine booth.

101.51

Provides for the time and manner in which an elector may enter a booth and vote.

Combines Section 101.51 and Section 101.071. Both sections are virtually identical and both deal with voter occupying booth alone, time allowed, etc.

101.52

Provides for assistance where the disabled elector is seeking to vote on voting machine or cast a paper absentee ballot.

Amends to combine with Section 101.051.

101.53

Provides for the appointment by political parties and individual candidates for office, one watcher for each candidate or political party in all polling places. In addition the law provides

Consolidates Section 101.53 with Section 101.131. Both Sections 101.53 and 101.131 deal with watchers at the polls. One section deals with watchers where paper ballot voting is

for watchers to be designated in writing to the supervisor of elections at least fourteen (14) days in advance of any primary or general election.

101.54

Provides for the tabulation of votes and for the manner of taking totals off of the voting machines.

101.57

Provides that when any elector believes that election returns are erroneous and fraudulent, he shall have a right to file a written protest against the canvass of such returns.

used and the other with watchers where voting machines are used. Shortens time of appointment of poll watchers in written notice to the supervisor from fourteen (14) days prior to any primary or general election to five (5) days prior.

Amends to make it permissive for counties to use the printer type voting machine in obtaining results.

Amended, transferred and renumbered as Section 102.166. It specifically spells out that a protest alleging error shall be filed with the county canvassing board prior to the time it adjourns and a protest alleging fraud shall be filed with the circuit judge within fifteen (15) days after midnight the day of the election.

A new section has been added to provide for an immediate hearing on proper affidavit before a circuit judge sitting in a county wherein it is alleged that there exists fraudulent election returns. Provision is also made that where it is alleged that fraudulent returns or practices exist in more than one county, venue for such protest shall be in any such county.

101.571

Provides the form of the protest of election returns.

Amended, transferred and renumbered as Section 102.167. A form is set forth for protesting fraudulent returns to circuit judge and a form for protesting error in election returns for filing with the canvassing board.

101.161

This section lists the persons that qualify as absent electors and thereby qualified to vote on absentee ballot.

Amended, transferred, and renumbered as Section 97.021. Amends to include voting machine custodians and poll workers as absent electors because they may not be able to vote by virtue of their being assigned to a different precinct than that in which they are registered to vote.

101.62

This section concerns application for absentee ballots and a deadline for receiving such applications.

Amends to allow supervisors or their deputies to receive applications for absentee ballots up to the deadline for receiving absentee ballots which is 5 P.M. the day preceding an election. Further provides that the supervisor may send the ballot and application to the absent elector at the same time.

101.64

Presently provides that an application for absentee ballot must be sent, then when applicant receives absentee ballot he must return the ballot.

Amends to conform to section 101.62 as amended allowing supervisors or their deputies to receive applications up to 5 P.M. the day preceding an election. Elector's certificate amended to include same information as application for absent elector's ballot.

101.65

Sets forth instructions for absent electors.

Amends making the first sentence of subsection (1) an introductory sentence after which subsection (1), (2), and (3) follow.

101.67

This provision provides for the safe-keeping of absentee ballots and a deadline for counting absentee ballots and a provision that no application for an absent elector's ballot shall be received or handed out unless there remains time for the ballot to be mailed to the supervisor by United States mail.

Eliminates the last sentence of section 101.67 which requires that no application for an absent elector's ballot shall be received or handed out unless time remains for the ballot to be mailed by United States mail on time to be voted.

101.68(1)

Provides for the canvassing of absentee ballots.

Amends to provide that the canvassing board shall begin the canvassing of absentee ballots not later than noon on the day following the election.

101.69

This section provides that where an elector has received an absent elector's ballot and is going to be in the county on the day of the election he may return an unmarked elector's ballot to the supervisor of elections to be cancelled and may then cast his ballot in the regular manner on election day.

Amends to allow the voter who has received an absentee ballot, but later finds that he is going to be in the county to return the absentee ballot whether marked or not for destruction and thereby being allowed to vote in the regular manner on election day.

101.691(1)

This section concerns absentee voting by armed service personnel and federal personnel.

It is proposed that the word "dependents" be added.. This will allow the dependents of those listed personnel to vote absentee.

101.692(4)

Provides for absentee registration of military and federal personnel.

Amends to provide that no person may vote until his registration has been completed.

101.693

Provides for federal postcard application for absentee registration.

Repealed and the pertinent information contained therein has been placed in subsection 97.063(2).

101.694(5)

Application for absentee registration.

Transferred to subsection 97.063(4).

101.74

Allows a temporary change of polling places in case of epidemic.

Amends to provide a temporary change of polling place in case of natural disaster. This will allow polling places to be moved in case of hurricanes, flooding, etc., as well as in case of epidemic.

# SUMMARY of RECOMMENDATIONS

## Chapter 102, Florida Statutes CONDUCTING ELECTIONS AND ASCERTAINING THE RESULTS

### SYNOPSIS OF EXISTING LAWS

### SYNOPSIS OF PROPOSED AMENDMENTS

#### 102.012

Provides for inspectors and clerks to conduct elections at the precinct level.

Amends to require that the supervisor make all appointments of, and conduct training classes for, poll workers. Deputy sheriffs who will work at the polling places shall also attend the poll workers school. Further amends to provide that the "clerk shall be in charge of and responsible for seeing that the election board carries out its duties and responsibilities," and that party officials such as committeemen or committeewomen shall not serve as election officials.

#### 102.021

Provides for the compensation of inspectors and clerks. It further provides a maximum rate of pay of one dollar per hour.

Amends to remove the one dollar per hour limitation on compensation paid poll workers to allow the rate of pay to be established by the board of county commissioners; further provides that poll workers may receive compensation for attending poll workers classes provided by Section 102.012.

#### 102.051

Provides that where a vacancy of clerk or inspector occurs at the poll the qualified electors at the poll favoring the political candidate or party of the absent clerk or inspector shall choose a successor.

Amends to provide that in case of absence or refusal to act of any inspector or clerk on the day of an election or the absence or refusal to act of an entire election board the supervisor shall appoint replacements as needed which meet the qualifications set forth in subsection 102.021(2).

#### 102.091

Provides that the governor may appoint special officers when deemed necessary to see that violators of the election laws are apprehended and punished.

Amends to add the words "to investigate," making it read as amended "...when deemed necessary to investigate so that violators of the election laws are apprehended and punished.

102.101

Provides that a sheriff, deputy, or policeman may be allowed in the poll only if summoned by a majority of the inspectors.

Further amends to provide that they shall be "admitted inside the polling place by the clerk or a majority of the inspectors."

102.131

Present law states that if any returns shall appear to be irregular, false, fraudulent, etc., so that the state canvassing board is unable to determine the true vote, they shall certify and shall not include the returns in their determination, canvass, and declaration.

Deletes the word "fraudulent" and adds the sentence "The state canvassing board in determining the true vote shall not have authority to look beyond the county returns."

102.141

Sets up the county canvassing board and provides that it shall meet in the supervisor's office to canvass the returns not later than the third day after an election.

Amends to make the county judge chairman of the canvassing board, the time and location within the courthouse for the canvassing board to begin the canvass to be set by the chairman, provided that the board shall begin to publicly canvass the returns no later than noon on the day following an election.

102.165

No Present Section

Provides that in the event a nominee is believed to have violated his oath in regard to his qualification to hold office, the party executive committee to which his party assessment was paid shall be a proper party plaintiff to bring quo warranto or other appropriate proceedings.

102.168

No, Present Section

Provides for a recount of the votes cast in any county for two or more candidates at the request of any candidate receiving a vote within five per cent (5%) or less of the total number of votes cast for the candidate receiving the highest number of votes..Any candidate coming within this five per cent (5%) range shall present his request for recount to the circuit judge who shall determine whether or not the vote received by the candidate wishing the recount comes within the five per cent (5%) limitation. If so, the circuit judge shall order a recount.

# SUMMARY of RECOMMENDATIONS

## Chapter 103, Florida Statutes PRESIDENTIAL ELECTORS; POLITICAL PARTIES; EXECUTIVE COMMITTEES

### SYNOPSIS OF EXISTING LAWS

### SYNOPSIS OF PROPOSED AMENDMENTS

#### 103.021(3)

Provides that minor political parties may have names of their candidates for president and vice president printed on the general election ballot by providing a petition with 7500 registered electors thereon, of which no more than 1000 shall come from any one county, and at least 25 shall come from each of 34 counties.

Amends to provide that the figures used shall be set forth in percentages. The same ratio that was established in 1949 when this section became law has been used to calculate the percentages. "Petition signed by seven thousand five hundred registered electors" has been changed to "petition is signed by seventy-five hundredths per cent (.75%) of the registered electors," "no more than one thousand shall come from any one county" has been changed to "no more than thirteen and three tenths per cent (13.3%) of the names required shall come from any one county," and "at least twenty-five (25) shall come from each of thirty-four counties" has been changed to "at least thirty-three hundredths per cent (.33%) shall come from each of thirty-four (34) counties."

This will keep the intent of the law consistent with the "ever-changing" population.

#### 103.031

Provides for drawing of lots by the governor in case of tie when voting to fill vacancy of presidential elector as set forth in Section 103.061.

Section 103.031 has been transferred and renumbered as Section 103.062.

#### 103.062

No Present Section

Section 103.031 has been transferred and renumbered as Section 103.062.

#### 103.081

Provides for certain committees for each political party and further provides conditions under which the name of the political party may be used.

Amends to leave out the words "in association with others" found in the second paragraph to clarify how the names of political parties may be used. Further provides that no party committee nor the chairman of any party

committee shall endorse any candidate in a primary election.

The first paragraph of Section 103.081 has been moved to Section 103.111.

103.101

Provides for delegates and alternates to national party conventions and election of national committeemen and committeewomen.

Amends to provide that any group desiring to file a nominating petition shall obtain in writing the consent of the person preferred for President of the United States. Makes provision for filling vacancies for delegates at large as well as district delegates. Further provides that a candidate cannot withdraw without consent of the same number of candidates as was required to file the nominating petition.

These proposals are mainly for clarification and to put into law administrative rulings which the secretary of state found necessary to make during the 1964 elections.

103.111

Provides for state and county executive committees, the election of members, filling of vacancies, what shall constitute a quorum, etc.

Amends to provide:

"In addition to the regular organizational meeting called thirty (30) days after their election, there shall be not less than one meeting of the full committee during general election years."

"County executive committee shall meet at least once every three (3) months. . . majority vote of that committee may postpone. . . three successive meetings."

"Upon failure of chairman to call any meeting required by law. . . meeting may be called by not less than three members of the county committee."

No per diem shall be paid to a county executive committee member for attending executive committee meetings.

A county executive committee member shall not be deemed a member until he has taken the prescribed oath and

his name has been filed with the clerk of the circuit court and the chairman of the state executive committee. The list kept by the clerk of the circuit court shall constitute the official county executive committee.

#### 103.121(1)(e)&(f)

Sets forth the powers and duties of the state and county executive committees.

(e) "to conduct campaigns for party nominees."

(f) "to do anything that is considered by custom and practice as proper for party committees."

Amends to provide that:

(e) "to expend party funds to conduct campaigns for party nominees."

(f) "to expend party funds for the maintenance and administration of the party organization and to do anything that is considered by custom and practice as proper for party committees; provided, however, that no funds may be spent by a committee except for bona fide services and material rendered to and received by the committee for the advancement of the party organization."

Adds a new paragraph (h) which provides for the appointment of subcommittees. Said subcommittees shall not have general delegated power from the executive committee.

#### 103.121(4)

Provides for the treasurer of state and county executive committees to furnish bond and requires state executive committees to have a yearly public audit which shall be filed with the attorney general.

Amends to provide that both chairman and treasurer of state and county executive committees shall furnish bond. Further provides that both state and county executive committees shall have a yearly public audit. A copy of the state executive committee audit shall be filed with the attorney general and secretary of state. A copy of the county executive committee audit shall be filed with the clerk of the circuit court and state executive committee.

#### 103.121(5)

No Present Section

Provides that the chairman of any party committee shall not endorse any candidate in a primary election, nor may any party committee endorse any candidate in a primary election.

103.131(6)

Provides that political party offices shall be deemed vacant if the incumbent is convicted of a felony or by a majority vote of the members of the appropriate committee attending a meeting held after due notice has been given and at which a quorum is present, determines the incumbent to be guilty of an offense involving the violation of his oath of office.

Amends to provide that any party office shall be deemed vacant upon "the conviction of the incumbent of any felony."

Removal because of violation of oath of office has been amended, transferred and renumbered as Section 103.141.

103.141

No Present Section

Part of Section 103.131(6) has been incorporated in this new section which provides that the county executive committee by two-thirds (2/3) majority vote may remove an incumbent county executive committee member from office for violation of his oath of office. If the county executive committee refuses to act on a complaint of oath violation or fails to act within ten (10) days after a charge is made, the state executive committee may bring suit in circuit court for his removal. However, the state executive committee shall pay the court cost and reasonable attorney fees should the court rule against the committee.

The incumbent office holder removed by a two-thirds majority vote of the county executive committee may file suit for reinstatement in circuit court, and, if the court rules that he was wrongfully removed from office, the county executive committee shall pay the court cost and reasonable attorney fees.

103.151

No Present Section

This new section provides for removal of state executive committee members from office for violation of oath of office.

The state committee may file suit in circuit court for removal of one of its members for violation of his oath of

103.151

office, or, if a charge has been made and the state committee fails or refuses to act, the county executive committee of the county from which the state committeeman is elected has the right to seek said committeeman's removal in the circuit court of that county.

If the state or county executive committee brings said judicial action against a member of the state executive committee, they shall, if the court rules against them, pay the court cost and reasonable attorney fees.

# SUMMARY of RECOMMENDATIONS

## Chapter 104, Florida Statutes ELECTION CODE; VIOLATIONS; PENALTIES

### SYNOPSIS OF EXISTING LAWS

#### 104.061(2)

This section concerns corruptly influencing voting by bribery, menace, threat, solicitation or the giving of money or other thing of value or any other thing to be used in any poll or other place. Further, provides that no person shall give, promise to give, pay or loan money for any proposition whatsoever in furtherance of one's candidacy.

#### 104.071(2)

Provides that it shall be unlawful to try to induce any newspaper editor or publisher to advocate or oppose any candidate in the columns of the newspaper or periodical by promising to give, pay or loan money or anything of value.

#### 104.091

Provides that no corporation whatsoever shall pay or agree to pay or contribute or consent to contribute to any political party, organization, committee or individual for any political purpose.

#### 104.13

Provides that intermingling of ballots shall be a misdemeanor.

#### 104.14

Provides that illegal voting in a bond election shall be a misdemeanor.

### SYNOPSIS OF PROPOSED AMENDMENTS

Amends to clarify by simply stating "No person shall directly or indirectly give or promise anything of value to another intending thereby to buy his or another vote, or to corruptly influence him or another in casting his vote. Any person violating this section shall, upon conviction, be guilty of a felony."

Amends to provide that in addition to newspapers and periodicals that it shall be unlawful to give or promise to give, pay, loan any money or other thing of value to the owner, editor, publisher or agent of any communication media, poll taking or poll publishing concern to advocate or oppose any candidate for nomination in any election.

Amends to provide that no corporation shall do anything or any act that is prohibited of individuals by the election code. Likewise, corporations may do any act or thing that an individual may do.

Amends to add the word "wilfully" after the word "whoever," and makes such violation a felony instead of misdemeanor.

Amends to add the word "wilfully" after the words "any person."

104.15

Provides that a person knowing he is not a qualified elector, who votes at any election shall be guilty of a misdemeanor.

Amends to make this violation a felony.

104.16

Provides that any elector who attempts to vote a substitute ballot, shall be guilty of a misdemeanor.

Amends to provide that any person who shall solicit or attempt to vote a substitute ballot shall, upon conviction, be guilty of a felony.

104.17

Provides that any person who shall vote or attempt to vote both in person and by absentee ballot shall, upon conviction, be guilty of a misdemeanor.

Amends to make this violation a felony.

104.18

Provides that whoever cast more than one vote at any election shall, upon conviction, be guilty of a misdemeanor.

Amends to make this violation a felony.

104.181(2)

Provides that if any person votes in any primary, general or special election in this state within one (1) year of the time he voted in any other state or country where residence was a pre-qualification he shall, upon conviction, be guilty of a felony.

Amends to make this violation a misdemeanor.

104.21

Provides that fraudulently and deceptively changing the vote or ballot of any electors shall be a misdemeanor.

Amends to add after the words "deceptively change," the words "or attempts to change," and makes such violation a felony.

104.22

Provides that stealing, destroying, or fraudulently making any entry or alteration shall be punishable as a misdemeanor.

Amends to make such violation a felony.

104.23

Provides that any election official or person assisting an elector who discloses how he voted shall be guilty of a misdemeanor.

Amends to add the word "wilfully" after the words "who shall" and makes such violation a felony.

104.24

Provides that any elector who shall pass himself by any other name than the name in which he is registered or fraudulently use the name of another in voting shall, upon conviction, be guilty of a misdemeanor.

Amends to clarify that no person may use the name of another in connection with any part of the elections process.

104.27(2)

Provides that the election of a person who knowingly violates Section 99.161 or whose campaign treasurer or duty treasurer violates Section 99.161 shall be void.

Amends to change the word "knowingly" to "wilfully" and provides that upon conviction for violation of Section 99.161 (political contributions) a person's election may be declared void by a court of competent jurisdiction in which event the nomination for office shall be filled as in other cases where a vacancy occurs.

104.27(3)

Provides that the charter of certain corporations shall be subject to revocation for "knowingly" violating Section 99.161.

Amends to change "knowingly" to "wilfully."

104.27(7)

Provides that whoever shall knowingly make any false certificate, statement, or report required by Section 99.161 shall "suffer the pains and penalties for perjury."

Amends to omit "suffering pains and penalties for perjury" and substitutes therefore "shall be subject to penalties as provided by law for the crime of perjury."

104.27(10)

Provides that an elector believing that there has been a violation punishable under subsections 104.27(3)(4)(5) or (6) may file a complaint with the agency, board, etc., licensing, chartering, or franchising the bodies mentioned therein.

Amends to require that the complaint be a sworn complaint by adding "sworn" before "complaint" in the third line.

104.272

Provides for mishandling of funds by officers of state executive committees and makes such violation a felony.

Amends to insert the words "knowingly and wilfully make an unlawful expenditure."

104.28

Provides that any person who violates the provisions of Section 99.172 con-

Amends to make this violation a felony.

cerning expenditures of candidates shall, upon conviction, be guilty of a misdemeanor.

104.30(2)

Provides that any person tampering with, attempting to destroy, destroying or defacing a voting machine while in use during an election or after an election when the machine is locked to preserve the voting record shall, upon conviction, be guilty of a felony.

Amends to provide that "any person tampering or attempting to tamper or destroy any voting machine with the intention of interfering with the election process or the results thereof shall, upon conviction, be guilty of a felony."

104.31(1)(a)(b)

Provides that no officer or employee of the state or of any county or municipalities shall use his influence to coerce one to vote in behalf or against any person or measure.

Amends to clarify. Worded so that no state employee may use his official authority or influence to coerce another to support or contribute to a political campaign. Provide that no elected or policy making personnel of the State of Florida shall use coercion or duress in behalf of, or in opposition to elections.

104.33

Concerns precinct registration officers, delivery of books, etc.

Repealed as being in conflict with amendment to eliminate precinct registration.

104.34

Relates to circulating charges against candidates eighteen days prior to election day.

Repealed as being unnecessary in this day of rapid communication (it was originally adopted in 1913) and secondly, it has virtually no force and effect, due to judicial interpretation.

104.37

Concerns political literature and requirements as to author; sponsor, printing and marking of advertisements in newspapers as "paid political advertisement."

Amends to provide that all political advertisements shall be marked "paid political advertisement, paid for by \_\_\_\_\_." Further provides that "all printed political advertisements of candidates running for office in general elections shall bear the name of the political party with which the candidate is affiliated." And if the media of television or radio is used the party name shall be clearly announced.

Date Due

104.37

Provides further that it shall be unlawful for any person to publish any campaign literature using the name of a candidate until specific approval has been received from the candidate or candidates whose names are to be used. Provided however that such restriction shall not apply to:

(1) Editorial endorsements.

(2) Political party publications advocating the candidacy of its nominees.

(3) Publication of sample ballots or partial sample ballots provided that such ballots contain the name of all candidates in their proper order of the races therein mentioned.

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99.023

No Present Section

Provides that any person seeking election by write-in votes shall file an oath stating that he is qualified to hold office. Further provides that no votes for any such candidate shall be counted unless he has filed such an oath. At time of filing oath he shall be considered a "candidate," and subject to reporting laws.

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